

EXHIBIT B

Marc Toberoff (S.B. #188547)
TOBEROFF & ASSOCIATES, P.C.
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333
Facsimile: (310) 246-3101

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Superior Court of California,
County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By I. Aziz Islam, Deputy Clerk

Attorneys for Petitioner MARK WARREN PEARY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES**

In Re Estate of Joseph Shuster,

Deceased

CASE NUMBER: BP080635

**SUPPLEMENT TO CLEAR
PROBATE NOTES**

Hearing Date: July 9, 2024

Hearing Time: 8:30AM

Dept: 99

1 Petitioner, Mark Warren Peary, hereby submits the following Supplement
2 to the Status Report of Administration, which was previously filed on December
3 18, 2023, and is scheduled for hearing on July 9, 2024 at 8:30AM:

4 **Note A:** No PROPER ntc/copy to affected parties [1] w/right to acct
5 legend [PC 12201(b)]. Ntc filed 12/18/23 is INSUFFICIENT -Para 2 reflects
6 hrng date as 1/9/24.

7 **Supplement to Note A:** Notice of Hearing for the July 9, 2024 hearing
8 and a copy of the Status of Report of Administration filed December 18, 2023
9 were served upon all affected parties via First Class Mail on June 25, 2024,
10 which Notice of Hearing with Proof of Service was filed with the Court on June
11 25, 2024.

12 **Note B:** No PROPER spec ntc/copy [4] - Amy Genkins, Wayne Smith, &
13 Daniel M. Petrocelli, & Patrick T. Perkins (request filed 02/09/11). Ntc filed
14 12/18/23 is INSUFFICIENT - Para 2 reflects hrng date as 1/9/24.

15 **Supplement to Note B:** Amy Genkins, Wayne Smith, Daniel M.
16 Petrocelli and Patrick T. Perkins were served by Petitioner with a Notice of
17 Hearing for the July 9, 2024 hearing and a copy of the December 18, 2023
18 Status Report of Administration, via First Class Mail on June 25, 2024, which
19 Notice of Hearing with Proof of Service was filed with the Court on June 25,
20 2024.

21 **Note C:** No I&A filed.

22 **Supplement to Note C:** When Joseph Shuster died, on July 30, 1992, the
23 value of his Estate was below the threshold required for the Estate to be probated
24 pursuant to CA Prob Code §13100. The economic state of the Estate was such
25 that its assets could not even cover Shuster's funeral costs. As such, no
26 Inventory and Appraisal was performed at that time.

27 The Estate was later probated in 2003, because Petitioner sought to
28 enforce Shuster's copyright termination rights under 17 U.S.C. §304(c), with

1 respect to Shuster’s literary creations. The Estate needed to be probated because
2 when a deceased author has no living widow or widower, children, or
3 grandchildren (as was the case of Shuster), the termination right, pursuant to 17
4 U.S.C. §304(c)(2)(D), is held only by the author’s executor, administrator,
5 personal representative, or trustee.

6 Subsequently, the Estate has been engaged in the process of identifying
7 Shuster’s intellectual property. This has been a long and complicated process,
8 due to a number of factors: *first*, most of Shuster’s work was created decades
9 ago, from the 1930s to the 1970s; *second*, many of Shuster’s works were
10 unpublished, and therefore physical copies of the originals need to be located in
11 order to be properly identified and exploited; and *third*, in 2018, a large number
12 of lesser-known works by Shuster were unearthed, requiring an involved chain-
13 of-title analysis. All these factors have been time-consuming and labor-intensive
14 for the Estate to address, and the difficulty of placing a value on such
15 unexploited intellectual property has contributed to the difficulty in performing
16 an Inventory and Appraisal to this date.

17 **Note D:** Petnr alleges more time is needed to make money for the Estate
18 & the Estate has been open for 20+ years – administration needs to close. Final
19 petn to be filed w/i 90 days.

20 **Supplement to Note D:** Petitioner alleges that the Estate should remain
21 open, as certain rights with respect to Shuster’s copyright interests can only be
22 exercised by the executor or administrator of his Estate (e.g., termination rights
23 under the Copyright Act, as Shuster has no surviving widow, children or
24 grandchildren), not simply to “make money.” Pursuant to the April 14, 2024
25 Minute Order issued by this Court, Petitioner submitted a Statement to the Court
26 on June 27, 2024, which Statement outlined the reasons that the Estate should
27 remain open. Petitioner respectfully refers the Court to the June 27, 2024
28

1 Statement in response to Note D and asks that the Estate remain open until
2 December 31, 2024.

3
4 DATED: July 3, 2024

TOBEROFF & ASSOCIATES, P.C.

5 By: /s/ Marc Toberoff
6 Marc Toberoff

7 TOBEROFF & ASSOCIATES, P.C.
8 23823 Malibu Road, Suite 50-363
9 Malibu, CA 90265
10 Telephone: (310) 246-3333
11 *mtoberoff@toberoffandassociates.com*

12 Attorneys for Petitioner Mark Warren Peary
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PROOF OF SERVICE
In Re Estate of Joseph Shuster
Case No. BP080635

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 23823 Malibu Road, Suite 50-363, Malibu, CA 90265.

On July 3, 2024, I served the foregoing document described as:
SUPPLEMENT TO CLEAR PROBATE NOTES on the following Parties Requiring Special Notice by placing a true copy thereof enclosed in sealed envelopes addressed to:

Dawn L. Peavy
51 Camino Cabo
Santa Fe, NM 87598

Amy Jenkins
DC Comics
1700 Broadway, 7th Floor
New York, NY 10019

Wayne Smith
Patrick T. Perkins
Warner Brothers Entertainment, Inc.
4000 Warner Blvd., Bldg. 159
Burbank, CA 91522

Daniel M. Petrocelli
O'Melveny & Myers, LLP
1999 Avenue of the Stars, 8th Floor
Los Angeles, CA 90067

☒ **BY MAIL** - I deposited such envelopes in the mail at Malibu, California. The envelopes were mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Malibu, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

☐ **(BY ELECTRONIC MAIL)**: I caused the above-described document to be served on the interested parties noted above by electronic mail transmission.

1 I declare under penalty of perjury under the laws of the United States that
2 the foregoing is true and correct.

3 Executed on July 3, 2024 at Malibu, CA.

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5 _____
6 Breck Kadaba
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